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22971	7590	06/08/2007	EXAMINER	
MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052-6399			FORD, GRANT M	
		ART UNIT	PAPER NUMBER	
		2141		
		NOTIFICATION DATE		DELIVERY MODE
		06/08/2007		ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/690,422	PETTIGREW ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Grant Ford	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 October 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 21 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Requirement for Information under 37 CFR 1.105***

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The information is required to enter in the record the art suggested by the applicant as relevant to this examination. The Examiner requests any information regarding spam filtering techniques used by Big Fish Communications which relate to the claims of the instant application.

### ***Claim Objections***

2. Claims 8 and 29 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claims merely recite an intended use for the claimed invention and thus fail to further limit the subject matter of a previous claim.

3. Claims 13 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

dependent form, or rewrite the claim(s) in independent form. Claim merely recite an intended use for the claimed invention and thus fail to further limit the subject matter of a previous claim. Additionally, the Examiner asserts that the selection of the .db file extension is purely arbitrary in the claimed invention.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), additional information regarding this issue is required as follows:

Information regarding BIG FISH Spam filtering products and services available for sale, or publicly displayed and any corresponding dates of sale or disclosure more than 1 year prior to filing of the instant application, in view of the instant claimed invention. The Examiner has located an archived webpage from Big Fish Communications' (which subsequently became Frontbridge Technologies, the original assignee of the instant application) website dated September 17, 2002 which describes spam filtering substantially similar to the claimed instant invention, copy included with action.

Accordingly, the Examiner requires any and all information to assist in determining patentability of the instant application under 35 U.S.C. 102(b).

Applicant is reminded that failure to fully reply to this requirement for information will result in a holding of abandonment.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9,14,16-20, and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsikas (6,868,498) and Bandini et al. (7,117,358) hereinafter referred to as Bandini and further in view of Sutton, Jr. et al. (7,222,157) hereinafter referred to as Sutton.

a. As per claims 1 and 19, Katsikas discloses a spam analyzer that analyzes the data to determine attributes regarding the rules, and to dynamically modify rules within the database based on the data (Col 9 line 60 through Col 10 line 28). However, Katsikas fails to explicitly disclose a database for determining whether e-mail messages are spam and a message processor that processes e-mail messages to determine

whether any rules within the database are matched by the messages, or attaching data to the messages regarding the rules that are matched.

Bandini teaches a database for storing rules for determining whether e-mail messages are spam (Col 5 lines 1-40); and

a message processor that processes e-mail messages to determine whether any rules within the database are matched by the messages (Col 5 lines 41-51, Col 6 lines 13-44). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of a database for e-mail spam rules and a message processor for determining any rules matched by a message with the e-mail filtering system of Katsikas. One of ordinary skill in the art would have been motivated to do so for the purpose of classifying known spam messages and signatures and comparing them to incoming messages to determine what messages are spam (Col 5 lines 1-40, Col 6 lines 13-44). However, Bandini fails to explicitly teach attaching data to the messages regarding the rules that are matched.

Sutton teaches attach data to the messages regarding the rules that are matched (Col 10 line 63 through Col 11 line 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of attaching spam information to a message with e-mail filtering systems. One of ordinary skill in the art would have been motivated to do so for the purpose of indicating if a message contains spam (Col 10 line 63 through Col 11 line 4).

- b. As per claim 2, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. Additionally, Katsikas discloses wherein the database stores rules in one or more tables (Col 10 lines 6-28).
- c. As per claims 3 and 22, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. Additionally, Katsikas discloses wherein the attributes comprise statistics (Col 9 line 60 through Col 10 line 28).
- d. As per claims 4 and 23, Sutton teaches wherein the statistics comprise at least one of: last updated, last hit, total hits, spam hits, nonspam hits, and false positive hits (Col 10 line 63 through Col 11 line 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate utilizing spam hits as a statistic with e-mail filtering systems. One of ordinary skill in the art would have been motivated to do so for the purpose of classifying known spam messages and signatures (Col 5 lines 1-40, Col 6 lines 13-44).
- e. As per claims 5 and 26, Bandini teaches wherein each rule in the database is assigned an identification number and a score that is used to determine whether an e-mail message is spam (Col 4 lines 45-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of score-based spam filtering with e-mail filtering systems. One of ordinary skill in the art would have been motivated to do so for the purpose of utilizing multiple rounds of evaluation to determine whether a given message is spam (Col 4 lines 45-67).
- f. As per claims 6 and 25, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. Additionally, Katsikas discloses wherein the rules

include at least one of: subject heading rules, from heading rules, body rules, and HTML rules (Col 9 line 60 through Col 10 line 28). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of from heading rules with e-mail filtering systems. One of ordinary skill in the art would have been motivated to do so for the purpose of evaluating spam settings for a given sender of a message (Col 10 lines 6-28).

g. As per claims 7 and 28, Katsikas discloses wherein the system retires rules from the database if such rules are not matched for a predetermined period of time (Figure 9 , Col 5 lines 29-67, Col 10 lines 6-28).

h. As per claims 8 and 29, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. Additionally, Katsikas discloses the use of a predetermined period of time (Figure 9, Col 5 lines 29-67, Col 10 lines 6-28). The Examiner notes that the period of 30 days is an intended use and that the system of Katsikas is capable of this period of time and thus meets the limitation of the claim as written.

i. As per claim 9, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. Additionally, Katsikas discloses wherein the system is implemented on a mail server in a network (Col 2 lines 7-25).

j: As per claims 14 and 20, Sutton teaches wherein the message processor attached the data to a message by generating an encoded spam information string indicating the rules that are matched and attaching the string to the message (Col 10 line 63 through Col 11 line 4). It would have been obvious to one having ordinary skill in

the art at the time the invention was made to incorporate the use of attaching spam information to a message with e-mail filtering systems. One of ordinary skill in the art would have been motivated to do so for the purpose of indicating if a message contains spam (Col 10 line 63 through Col 11 line 4).

k. As per claim 16, Sutton teaches an online processing tool, which allows a user to view unfiltered spam messages submitted by clients and to decode and display the spam information string associated with the messages (Col 10 line 63 through Col 11 line 4, Col 13 lines 36-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of viewing attached spam information in a message with e-mail filtering systems. One of ordinary skill in the art would have been motivated to do so for the purpose of indicating if a message contains spam (Col 10 line 63 through Col 11 line 4).

l. As per claim 17, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. Additionally, Katsikas discloses wherein the online processing tool is further adapted to allow modification of the rules (Col 6 line 44 through Col 7 line 7).

m. As per claims 18 and 27, Bandini teaches wherein the spam analyzer further calculates a total score for each e-mail message based on the rules matched by the message and identifies e-mail messages as spam based upon their respective total score (Col 4 lines 45-67). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of score-based spam filtering with e-mail filtering systems. One of ordinary skill in the art would have been

motivated to do so for the purpose of utilizing multiple rounds of evaluation to determine whether a given message is spam (Col 4 lines 45-67).

n. As per claim 24, Bandini teaches wherein the rules are stored within a relational database (Col 5 lines 1-19). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of a relational database with spam filtering systems. One of ordinary skill in the art would have been motivated to do so for the purpose of allowing for efficient retrieval of information by employing appropriate indexing, as is known in the art (Col 5 lines 1-19).

8. Claims 10-13 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsikas, Bandini, and Sutton further in view of McCormick et al. (6,421,709) hereinafter referred to as McCormick.

a. As per claims 10 and 30, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. However, Katsikas fails to disclose wherein the system is implemented over a distributed network having a plurality of mail servers. McCormick teaches wherein the system is implemented over a distributed network having a plurality of mail servers (Abstract, Figure 11, Col 8 line 66 through Col 9 line 7, Col 12 lines 30-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of a distributed network having a plurality of mail servers with spam filtering systems. One of ordinary skill in the art would

have been motivated to do so for the purpose of saving network, storage resources, and end user time by stopping spam from propagating through the network (Col 9 lines 1-7).

b. As per claims 11 and 31, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. However, Katsikas fails to disclose selecting rules matched over a predetermined amount of time wherein the system replicates the rules over the plurality of mail servers. McCormick teaches a program for selecting rules that have been matched within a predetermined period of time (Col 9 lines 29-55); and

wherein the system replicates the selected rules over the plurality of mail servers (Figure 11, Col 8 line 66 through Col 9 line 7, Col 12 lines 30-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of counting rule occurrences within a spam filter in a distributed spam filtering system. One of ordinary skill in the art would have been motivated to do so for the purpose of prevent inappropriate filtering due to user errors or improper submissions (Col 9 lines 41-44).

c. As per claim 12, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. However, Katsikas fails to disclose storing the selected rules within files that are replicated over the plurality of mail servers. McCormick discloses wherein the program stores the selected rules within files that are replicated over the plurality of mail servers (Abstract, Figure 11, Col 8 line 66 through Col 9 line 7, Col 12 lines 30-45). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of a distributed network having a plurality of mail servers with spam filtering systems. One of ordinary skill in the art would

have been motivated to do so for the purpose of saving network, storage resources, and end user time by stopping spam from propagating through the network (Col 9 lines 1-7).

d. As per claim 13, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. However, Katsikas fails to disclose database file replication. McCormick teaches database file replication (Abstract, Figure 11, Col 8 line 66 through Col 9 line 7, Col 12 lines 30-45). The file extension of .db in the instant claim is an intended use and purely arbitrary in nature. Accordingly, the system of McCormick would function as cited utilizing the .db extension.

e. As per claim 32, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. However, Katsikas fails to disclose receiving reports regarding unidentified commercial e-mail messages. McCormick teaches receiving reports regarding unidentified commercial e-mail messages (Figure 9, Col 9 lines 50-65); and

modifying the rules based on the reports (Figure 9, Col 9 lines 50-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of user submitted unidentified spam for updating a spam filter with spam filtering systems. One of ordinary skill in the art would have been motivated to do so for the purpose of providing a collaborative dynamic spam filter (Col 9 lines 50-65).

9. Claims 15 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsikas, Bandini, and Sutton further in view of Aronson et al. (6,654,787) hereinafter referred to as Aronson.

a. As per claim 15, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. However, Katsikas fails to disclose storing encoded information string for a plurality of messages which are communicated to a spam analyzer. Aronson teaches storing encoded information strings for a plurality of messages which are periodically communicated to a spam analyzer (Col 8 line 65 through Col 9 line 17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of storing a plurality of messages which are later sent to a spam analyzer with spam filtering systems. One of ordinary skill in the art would have been motivated to do so for the purpose of retraining spam filters according to misclassified messages (Col 9 lines 1-17).

b. As per claim 33, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. However, Katsikas fails to disclose receiving reports regarding e-mails mistakenly identified as spam and modifying rules based on the reports.. Aronson teaches receiving reports regarding e-mails mistakenly identified as spam e-mail (Col 8 line 65 through Col 9 line 17); and

modifying the rules based on the reports (Col 8 line 65 through Col 9 line 17). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of training a spam filter to reverse mischaracterized messages with spam filtering systems. One of ordinary skill in the art

would have been motivated to do so for the purpose of retraining spam filters according to misclassified messages (Col 9 lines 1-17).

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katsikas, Bandini, and Sutton further in view of Loughmiller et al. (US 2005/0076084) hereinafter referred to as Loughmiller.

a. As per claim 21, Katsikas, Bandini, and Sutton teach the invention substantially as claimed above. However, Katsikas fails to explicitly disclose modification of an e-mail header. Loughmiller teaches modifying an e-mail message header to indicate the presence of spam (Para. 0119). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of e-mail header manipulation with spam filtering systems. One of ordinary skill in the art would have been motivated to do so for the purpose of indicating the presence of a bulk message to an end-user (Para. 0119).

### ***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grant Ford whose telephone number is (571)272-8630. The examiner can normally be reached on 8-5:30 Mon-Thurs alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gmf



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